

**STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION**

In the matter of:)	Complaint No. R4-2004-0132
)	Mandatory Minimum Penalty
)	for
Kinder Morgan Liquids Terminals, LLC)	Violation of California Water Code § 13376
Carson Terminal)	and
Carson, California 90810)	Order No. 00-087 (NPDES No. CA0056863)

This Complaint to assess the mandatory minimum penalty pursuant to California Water Code (CWC) § 13385(h) is issued to Kinder Morgan Liquids Terminals, LLC (hereinafter Permittee) based on a finding of violation of waste discharge requirements prescribed in Order No. 00-087 (NPDES No. CA0056863, CI No. 5244).

The Executive Officer (Executive Officer) of the Regional Water Quality Control Board, Los Angeles Region (Regional Board) finds the following:

1. The Permittee stores and handles commercial grade petroleum products located at 2000 E. Sepulveda Blvd., Carson, California (hereinafter facility). The Permittee can discharge up to 2.5 million gallons per day of wastewater at the facility (Latitude 33° 48' 40", Longitude 118° 13' 30") consisting of storm water runoff which flows into a two pond system and then discharges to the area's storm drain system. The wastewater is susceptible of containing pollutants which can degrade water quality and impact beneficial uses of water, and which are defined as wastes under the Porter-Cologne Water Quality Control Act (CWC § 13000 et seq.). The wastewater flows into the Dominguez Channel, a navigable water of the United States.
2. On June 29, 2000, the Regional Board adopted Order No. 00-087, which prescribes waste discharge requirements to the Permittee's predecessor, GATX Tank Storage Terminal Corporation, for the discharge of treated wastes from the facility. The Permittee now operates the facility and is subject to the requirements and provisions of Order No. 00-087.
3. Among the provisions in the Permittee's waste discharge requirements are the requirements to implement a discharge monitoring program and to prepare and submit quarterly NPDES self-monitoring reports to the Regional Board pursuant to the authority of CWC § 13383.
4. The Regional Board received the Permittee's self-monitoring report for the 4th Quarter 2003 on February 18, 2004, a total of 34 days after the due date of January 15, 2004.

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5. CWC § 13385(h) requires the Regional Board to assess a mandatory minimum penalty of three thousand dollars (\$3,000) for each serious violation. CWC § 13385.1(a)(1) identifies a failure to file a discharge monitoring report required pursuant to CWC § 13383 for each complete period of 30 days following the deadline for submitting the report as a “serious violation”.
6. A portion of the penalty not to exceed fifteen thousand dollars (\$15,000) plus fifty percent (50%) of the penalty amount that exceeds fifteen thousand dollars (\$15,000) may be directed to be expended on a Supplemental Environmental Project (SEP) pursuant to CWC § 13385(l).
7. The maximum amount of administrative civil liability assessable pursuant to CWC § 13385 for each day of violation is \$10,000 per day of violation plus \$10 times the number of gallons by which the volume discharged but not cleaned up exceeds 1,000 gallons.

YOU ARE HEREBY GIVEN NOTICE THAT:

8. The Executive Officer proposes that the Permittee be assessed a mandatory minimum penalty in the amount of \$3,000 for the violation which occurred on February 15, 2004.
9. A hearing shall be conducted on this Complaint by the Regional Board or Regional Board Hearing Panel (Hearing Panel) within 90 days after service of this Complaint on the Permittee pursuant to CWC §§ 13228.14 and 13323. The Permittee will be notified of the date, time and location of the hearing. The Permittee may waive the right to a hearing. Should the Permittee choose to waive the right to a hearing, an authorized agent must sign the waiver form attached to this Complaint and return the executed waiver to the Regional Board at 320 West 4th Street, Suite 200, Los Angeles, CA 90013, to be received by the Regional Board by the close of business on October 18, 2004.
10. If the hearing is waived, the following options are available to satisfy the civil liability:
 - a. A check in the amount of \$3,000 (payable to the State Water Resources Control Board Waste Discharge Permitting Fund) shall accompany the signed waiver; or
 - b. The Permittee may propose to pay up to \$3,000 of the civil liability by contributing to a SEP on the Regional Board approved SEP List at www.swrcb.ca.gov/rwqcb4/html/programs/enforcement.html. To the greatest degree practicable, there must be a nexus demonstrated with the violations cited in this Complaint and the chosen SEP. A description of the SEP selected shall be submitted to the Regional Board for approval by the Executive Officer by the close of business on October 18, 2004.

In the event that the Permittee proposes to invest in a SEP, the Permittee’s written statement confirming that the Permittee contributed to a SEP on the SEP List will

be submitted along with the executed waiver and received by the Regional Board by the close of business on October 18, 2004.

In the event that the Permittee proposes to invest in a SEP, the Permittee shall pay \$3,000 to the chosen SEP on the SEP List by the close of business on October 18, 2004, and notify the Regional Board of the date, amount and method of payment by the close of business on October 18, 2004.

11. Notwithstanding the issuance of this Complaint, the Regional Board shall retain the authority to assess additional penalties for violations of the requirements of the Permittee's waste discharge requirements.
12. This enforcement action is exempt from the provisions of the California Environmental Quality Act, California Public Resources Code § 21000 et seq., in accordance with California Code of Regulations, title 14, § 15321.
13. Regulations of the US Environmental Protection Agency require public notification of any proposed settlement of the civil liability occasioned by violation of the Clean Water Act including NPDES permit violations. Accordingly, interested persons will be given 30 days to comment on any proposed settlement of this Complaint.

September 13, 2004

Jonathan Bishop
Executive Officer
Los Angeles Regional Water Quality Control Board

WAIVER OF THE RIGHT TO A HEARING

By signing below and returning this Waiver, I hereby waive the right to a hearing before the Regional Board to dispute the allegations and civil liability set forth in Administrative Civil Liability Complaint No. R4-2004-0132 (Complaint) issued by the Regional Board Executive Officer. Kinder Morgan Liquids Terminals, LLC understands that this Waiver gives up the rights to contest the allegations of the Complaint and the amount of civil liability it imposes.

Kinder Morgan Liquids Terminals, LLC elects to pay the civil liability in the following manner [check the relevant boxes]:

- ☐ Enclosed herewith in full payment of the civil liability is a \$3,000 check payable to “State Water Resources Control Board, Waste Discharge Permitting Fund.”
- Or
- ☐ Enclosed herewith is proof of payment of at least \$ 3,000 to a Supplemental Environmental Project (SEP) listed on the Regional Board-approved SEP list.

Kinder Morgan Liquids Terminals, LLC understands that this Waiver gives up the rights to argue against the allegations made by the Executive Officer in this Complaint and against imposition of, and the amount of, civil liability imposed. Kinder Morgan Liquids Terminals, LLC also understands that if an Administrative Civil Liability Order is adopted by the Regional Board, payment in full will be due thirty days after the date of the adoption of the Order.

I hereby affirm that I am duly authorized to act on behalf of and to bind Kinder Morgan Liquids Terminals, LLC in the making and giving of this Waiver.

Kinder Morgan Liquids Terminals, LLC

Date: _____

By: _____
(Signed name)

(Printed or typed name)

Position: _____